

Request for Modifying the
Conditions or Terms of Supervision
with Consent of the Offender

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PROB 12B
(NYEP-5/17/06)

United States District Court
for the
Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Richard Rubinkowski

Case Number 01-CR-36

Name of Sentencing Judicial Officer: The Honorable Keena Raggi, U.S. Circuit Judge. Case transferred to the Honorable Eric N. Vitaliano, U.S. District Judge, on June 30, 2006.

Date of Original Sentence: September 6, 2001

Original Offense: Attempted Coercion of Minor to Engage in Sexual Activity, in violation of 18 U.S.C. 2422(b), a class C felony.

Original Sentence: 78 months CAG, 3 years TSR, and a \$100 SAF. Special conditions imposed are as follows: (1) the defendant shall participate in such counseling programs as the Court may order on recommendation of the Probation Department; (2) the Court requires that the defendant register as a sex offender. On July 12, 2006, Your Honor modified his conditions to include: (1) sex offender treatment with polygraph testing; (2) computer and Internet monitoring; (3) a search condition; and (4) up to 120 days RRC placement. On November 17, 2006, Your Honor ordered a 60-day extension of Rubinkowski's RRC placement. On

Type of Supervision: Supervised Release

Date Supervision Commenced: June 9, 2006

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

"For a period of up to 180 days, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of sustenance costs."

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CAUSE

By way of background, the Court originally sanctioned Rubinkowski to 120 days RRC (Residential Re-entry Center) placement on July 12, 2006, following his failure to advise the undersigned officer of his change of residence in June 2006. On November 17, 2006, Your Honor ordered a 60-day extension of Rubinkowski's RRC placement, based upon his non-compliance at the RRC, and his inability to secure a personal residence for himself. At that time, we advised the Court that we would continue to attempt to find community housing for the releasee, despite the difficulty of this task, given Rubinkowski's sex offender status. However, given Rubinkowski's continued non-compliance and inability to establish a residence, the Court ordered a 180-day extension of his RRC placement, on January 9, 2007.

Since our last correspondence, Rubinkowski has continued to be non-compliant with regards to his conditions of supervision. His non-compliance has risen to the level wherein we believe that the initiation of violation charges is appropriate. However, Rubinkowski is scheduled to be released from the RRC on July 21, 2007, and will be homeless after that date. In order to provide Rubinkowski with housing, and continue to monitor him during pending violation charges, we are requesting the imposition of up to an additional 180-day placement at the RRC. On July 12, 2007, Rubinkowski was presented with, and signed the attached Probation Form 49, Waiver of Hearing, agreeing to the imposition of the aforementioned condition. A formal violation of supervised release report is to follow.

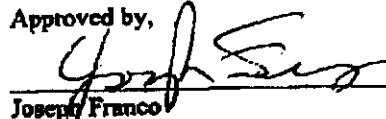
Respectfully submitted by,



Elizabeth Daly
U.S. Probation Officer

Date: 7/17/07

Approved by,



Joseph Franco
Supervising U.S. Probation Officer

Date: 7/17/07

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
☐ Other


Signature of Judicial Officer

JUL 17 2007
Date

PROB 49
(NYEP-07/17/06)

United States District Court
EASTERN DISTRICT OF NEW YORK

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, "I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel. "

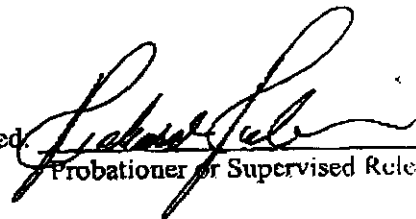
I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

For a period of up to 180 days, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

7-12-07

Date